

Session 11-02, a Regular Meeting of the Port and Harbor Advisory Commission was called to order at 5:05 p.m. by Chair Cathy Ulmer on February 23, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONER CARROLL, HOWARD, HARTLEY, HOTTMANN, WEDIN AND ZIMMERMAN

STAFF: HARBORMASTER BRYAN HAWKINS  
DEPUTY CITY CLERK RENEE KRAUSE

### **APPROVAL OF THE AGENDA**

Chair Ulmer requested a motion to approve the agenda.

CARROLL/HOWARD – MOVED TO ACCEPT AS PRESENTED.

There was no discussion

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PUBLIC COMMENT REGARDING ITEMS ON THE AGENDA** *(3 Minute Time Limit)*

Dave VanZant, Resident of Bear Cove, commented on the Long Term Parking issue and shared the following on the proposed long term parking permits and fees:

1. He thought parking fees were included in slip fees allowing you to have a vehicle on top if you rent a slip in the Harbor.
2. A few years ago he noticed the signs allowing 7 day parking maximum and recalled his neighbor asking him to move his car, so there must be a way around this.
3. He also has heard that you get a ticket in the mail for \$10.00 for each day you are parked longer than seven days. Chair Ulmer stated in the packet it is noted as a \$25.00 per day fine. He noted that people like Mark (referring to Commissioner Hottmann) that are driving their cars every day, seven days a week and are moving their vehicles around the Spit everyday taking up just as much space as those that go across the Bay. This is during the peak time, three months or less, when the space is really needed. He would have to pay \$300 to park all year long. Chair Ulmer noted if you have a slip you only pay \$100. Mr. VanZant stated he did not have the information.
4. He noted that apparently there is exclusion if you are handicap, he noted a resident who lives across the bay parks in the first handicap parking space and doesn't pay. He stated that they couldn't crack down on them because they have a powerful lobby.
5. He noted that parking on the other side of the spit has never been a problem before. He said he usually offloads his groceries and parked over in an area near the willows and then saw the sign. The Harbormaster responded that the limit of seven days has been in place since before he started with the City. It has just been the past few years that the Harbor has been strongly encouraged to enforce the parking regulations. He further clarified that the fines were increased this past year from \$10.00 to the \$25.00 per day. He stated that the \$300.00 fee is a suggested but not agreed cost. It has not been approved yet. He further commented that all the long term vehicles on the spit will be permitted. He inquired if Mr. VanZant felt that other residents from across the bay are not going to want to pay for a permit either. He noted that if they make these rules he will have to follow them and they will be required to enforce them. Mr. VanZant commented that the vehicles are subject to theft and if they are going to charge to park they should offer some type of security measures. He suggested offering one day parking in the heavy use tourist area between Happy Face Restaurant and Don Jose's and long term parking outside of that area.

Mako Haggerty, rents a boat slip, he is not a city resident. He apologized for not being fully informed on the issues but he noted that his employee and he have a boat trailer and there is a seven day limit on parking trailers. He would like to be allowed to leave his trailer on the spit. His question was if the permits will apply to the trailers. He noted that they have been going to the barge basin and renting a place there. It works but is not as convenient. He opined that there are two seasons, the summer and the rest of the year. If a parking policy is enforced all year it would be inequitable for most of the year.

There were no additional public comments.

Chair Ulmer thanked them for coming to the meeting and offering their comments.

### **RECONSIDERATION**

There were no items for reconsideration.

### **APPROVAL OF MINUTES**

A. Regular Meeting Minutes for January 26, 2011

Chair Ulmer requested a motion to approve the minutes of January 26, 2011.

HOWARD/HOTTMANN – MOVED THE MINUTES BE APPROVED AS PRESENTED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **VISITORS**

There were no visitors scheduled.

### **STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS**

*(Chair set time limit not to exceed 5 minutes)*

A. Port & Harbor Director's Staff Report – February 2011

Harbormaster Hawkins reviewed his report for the commissioners and asked for questions. The following was briefly discussed:

- Reviewing Lease document – revising boilerplate template
- Marine Trades Committee – support the industry, very busy season, last season very profitable, boat yards are full, hard to find someone that has opening for work.
- Lease Committee meeting – Land Allocation Plan recommendations made
- Met with the new Lobbyists hired for the city – they will be lobbying for all the Capital Improvements Projects and the Fish Tax Issue. He spoke at length regarding the tax and where it goes. He noted that more than half the projects on the list are harbor related. He noted that there is movement in Juneau and Petersburg, Alaska is proposing a 75/25 split. Currently the split is 50% State and 50% Borough and City where the fish is processed. Representative Seaton is proposing a bill that changes it to fish landed,

and then shipped out fresh. Since most fish is sent out of state the state takes the entire tax. This will change that. Harbormaster Hawkins is encouraged some changes will result this time.

- He noted the heavy snowfall while he was in Seattle.

Commissioner Carroll commented that this tax is a large number and most fish is processed elsewhere and the loss of Ocean Beauty. Harbormaster Hawkins responded that it is a high number it is estimated that approximately \$800,000.00 and Homer received about \$74,000.00. He then explained that this tax is distributed to the cities affected by the fishing industry. He noted that fish tax paid for the restrooms.

Commissioner Howard requested information on the sinking of the Ivory Queen. Harbormaster Hawkins responded that there was no apparent reason for sinking. There was no indication when personnel made rounds three hours prior to discovery of the vessel hanging by her lines. The alarm could be heard under water.

There was no further discussion.

#### B. Seattle Boat Show

Harbormaster Hawkins noted that the show was well attended. There were many visitors to the booth. Many were planning or interested in information on Southeast Alaska. There were only a few interested in Homer area. He did not feel that this show would be beneficial for them as he was answering more questions in general about Alaska than in Homer. He recommends just providing brochures for them to distribute the next time around. He commented that there will be more visits from these larger vessels, since for the most part the Captain determines the trip.

There was no further discussion.

#### C. Lease Committee

##### 1. Minutes for Special Meeting February 9, 2011 – Land Allocation Plan

Commissioner Zimmerman stated that the Special Meeting held on February 9, 2011 was centered on the Land Allocation Plan. He noted the recommendations that the Committee will be forwarding to Council. He further stated that a lengthy discussion was held regarding locations designated on the Spit for seasonal rentals. It was recommended that the total size and price would be at the discretion of the Harbormaster and City Manager. The Committee further determined that they could designate more space for seasonal rentals once the current location is close to being fully occupied. The committee carried forward the other recommendations from 2010 unless the lots were leased.

Commissioner Wedin inquired about the building that sells nuts next to the El Pescador building and was informed that it is actually on private property.

Commissioner Zimmerman reported there was an in depth discussion by the Committee on leasing the portion of lot TR-1-A to the Wooden Boat Society and it was recommended that the Harbormaster and City Manager needed to designate the portion on the parcel that would be the best location for the proposed use and then issue a request for proposal to the general public. It was determined that they did not want to specify one use such as the Wooden Boat Society. The Committee wanted to see what the request would bring in to the city.

There was no further discussion.

#### **PUBLIC HEARING** *(3 minute time limit)*

There were no public hearings scheduled.

## **PENDING BUSINESS**

### **A. Long Term Parking on the Spit and Fee Parking**

HOWARD/HARTLEY - MOVED THAT THE PORT AND HARBOR ADVISORY COMMISSION RECOMMEND THAT THE HARBORMASTER PROCEED WITH THE NECESSARY ACTIONS TO IMPLEMENT A LONG TERM PARKING PROGRAM AND SEASONAL FEE PARKING PASS FOR THE FEE PARKING LOTS, IN ACCORDANCE WITH THE HARBORMASTER'S MEMORANDUM TO THE COMMISSION DATED FEBRUARY 15, 2011; WITH THE EXCEPTION THAT THE LONG TERM FEES BE SET AT \$200.00 ANNUALLY, WITH THE FEE BEING DISCOUNTED \$100.00 FOR VESSEL OWNERS THAT PAY ANNUAL MOORAGE IN THE HOMER HARBOR.

Commissioner Howard observed that the recommendations from staff are excellent; staff has been thoughtful in what they have put together; he would propose that they allow staff to bring this to fruition with the exception of how much they would charge for the annual parking fee charged to those who do not have a boat moored in the harbor. He opined that all staff recommendations are appropriate and need to be implemented as part of the program.

Commissioner Hartley commented that if they start enforcing these regulations about parking there are a number of people who would be put in a real jeopardy because \$25.00 per day will add up before you know it. It won't take long to occur \$100 in fines and for people who do have to be out a long time this will alleviate the problem about being parked longer than 7 days.

Commissioner Zimmerman did not feel that fines should go beyond the cost of a permit of \$200.00 plus a fine of \$25.00-50.00 for the headache.

The Harbormaster stated that option was acceptable with the \$50.00 additional fee for processing. He then spoke about parking trailers in response to a question from Commissioner Wedin. He noted that the tariff allows for winter storage of trailers but there is no storage of boats. He believes that this would be a business opportunity to lease a lot for trailer storage. He did acknowledge that the city could provide this with a card reader system, pay station and security. He commented that it would be a good business opportunity for someone preferable to the City. He did not have the current rate for winter storage trailer, but the season was October through April.

Commissioner Zimmerman mentioned of the necessity of having cash in your pocket and would like to see the use and promotion of a coupon book where parking coupons could be offered for a discounted price to encourage their use.

Commissioner Howard like the idea of a coupon booklet but it would need some research done to determine the number of coupons to include in this book and what the pricing should be to make it lucrative for the city to implement plus appealing to the end user. He recommended directing staff to look into this option.

There was further clarification regarding the motion covered all recommendations in the memorandum from the Harbormaster including the fee for the pay parking lots. That this was a separate annual fee of \$250.00 to park in a pay parking lot.

ZIMMERMAN/WEDIN – MOVED TO AMEND THE MOTION TO INCLUDE DIRECTING STAFF TO CREATE A COUPON BOOK CONTAINING FIVE COUPONS WITH THE AMOUNT TO BE DETERMINED BY THE HARBORMASTER.

There was no further discussion.

VOTE. (Amendment) YES. HOTTMANN, ZIMMERMAN, HARTLEY, HOWARD, ULMER, WEDIN, CARROLL.

Motion carried.

Commissioner Carroll requested further clarification on the issue of parking on the entire spit. He would be abstaining from voting on this motion.

Harbormaster Hawkins stated that there will be long term parking, free of charge, for seven continuous 24 hour periods. On the eighth day there is a requirement to purchase a permit or remove the vehicle from the Spit. He noted that there is no place that he is aware of where you can park for free on or near a harbor. He further clarified that what the staff has been up against is someone parking a vehicle on the spit and then they relocate the vehicle on the spit for another seven days, etc. The staff would spend time chasing this vehicle around the spit and what the owners intent was to effectively "store" the vehicle on the spit which is not allowed. He also noted that the pay parking lot between the Harbor Office and Salty Dawg is full of long term vehicles. There were only four spaces that opened up last season. Harbormaster Hawkins noted that this will be enforced year round, and noted that the permits issued will be transferable.

VOTE. YES. WEDIN, ULMER, HOWARD, HARTLEY, ZIMMERMAN, HOTTMANN.

VOTE. ABSTAIN. CARROLL.

Motion carried.

B. Barge Beach Improvements  
1. Beach Use Agreement

Harbormaster Hawkins noted that this information was included in the packet in response to concerns expressed by the Commissioners during the last meeting. This was in response to the concern on liability, fees, and what can and cannot be performed on the beach. The Harbormaster noted that there will be two engineers visiting on Friday to assist in coming up with some numbers for the vessel mooring loading facility between the barge ramp and Petro Marine fuel dock plus a few other projects in the Harbor.

There was no further discussion.

C. Credit Card User Fee, Discount - Status

Harbormaster Hawkins explained that the Finance Department is currently in the process of negotiations with a new company to provide credit card services for a lesser fee. The savings is estimated at half the current costs. So stay tune there will be more to come.

Commissioner Wedin stated at the last meeting he was tasked with looking into how the borough is handling the processing of credit card transactions. The provider is called Linked to Gov. He noted that it is a third party service that is website based. There would be no "point of sales swiping" for this service, it is internet based. The Harbor would be required to set up a terminal that the public could access and sign up. The customers log in and enter information on the website. He noted that there are many government entities using this provider; the Federal Government, Kenai Borough and Juneau. That explains how they can charge the 3% fee.

There was no further discussion.

**NEW BUSINESS**

A. Land Allocation Plan 2011

1. 2010 Memorandum to Council on LAP Recommendations
2. Memorandum on Joint Worksession with City Council

Deputy City Clerk Krause explained to the Commissioners the process and reason behind the Land Allocation Plan. She explained that Planning Technician Engebretsen in Planning Department works on this document. There will be a joint worksession with Council on the document at 4:00 p.m. on March 29, 2011.

Harbormaster Hawkins referenced the motion made by the Lease Committee on their recommendation. He then noted the colored map included in the packet, the red colored lots were offered for lease and best thing would be to verify those recommendations from the Lease Committee. Their recommendation was Lots 4 through 11 on the thirty acres; Lots 19 and 20; a portion of Lot 13B, 9A, and 10A; Lot 12A is for Kiosk Businesses Seasonal Rentals and a 10,000 square foot portion of Lot TR-1-A are issued for lease, the specific area to be determined by the Harbormaster and City Manager.

Harbormaster Hawkins stated that the Commissioners can pull all this together and recommend leasing these out in response to a request from Chair Ulmer on what staff would like to see done. A brief discussion on clarification of the area requested by the Wooden Boat Society; the area to be used for Kiosk businesses as seasonal rentals ensued.

ZIMMERMAN/HOWARD - MOVED TO RECOMMEND CITY COUNCIL INCLUDE FOR LEASE LOTS 4-12, 19-20, AND PORTIONS OF LOTS 12A, 13B, 9A AND 10A FOR THE 2011 SEASON.

There was a brief discussion on the location and difference between lots 12a and 12. It was noted that the Chip Pad was lot 12. Commissioner Howard requested clarification on applying a designation, such as parking/storage lots, to select parcels and when would this be done. Harbormaster Hawkins explained that this could be recommended at the worksession on the land allocation with City Council. Council would be the deciding party on if they wanted to include that designation for the suggested uses of those parcels.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENSUS.

Motion carried.

Commissioner Carroll departed the meeting at 6:15 p.m.

ZIMMERMAN/HARTLEY - MOVED TO RECOMMEND THE CITY PLANNER, HARBORMASTER AND CITY MANAGER DESIGNATE AND DEFINE A 10,000 SQUARE FOOT PORTION OF LOT TR-1-A FOR THE PURPOSE OF OFFERING A REQUEST FOR PROPOSAL.

Commissioner Howard requested clarification on the details of the request for proposal for this lot. Harbormaster Hawkins provided background history on why this is being offered for lease. Briefly, the Wooden Boat Society was requesting a space on the Spit to establish a facility and enter into a long term, 30 year lease where they would construct a building and facilities to hold their annual festival. The need to define the best area on this parcel was discussed.

VOTE. YES. HOTTMANN, ZIMMERMAN, HARTLEY, HOWARD, ULMER, WEDIN.

Motion carried.

Commissioner Zimmerman inquired if it was appropriate for this commission to express a recommendation supporting the seasonal rental for kiosk businesses on lot 12A. He further stated that a rate was not set and it was left at the discretion of the Harbormaster to determine based on fair market value.

ZIMMERMAN/HOWARD – MOVED TO SUPPORT A RECOMMENDATION THAT CITY COUNCIL DESIGNATE A PORTION OF LOT 12 A, NO CLOSER THAN 150 FEET TO RAMP FIVE AND UP TO FREIGHTDOCK ROAD BE MADE AVAILABLE FOR RENT TO INTINERANT MERCHANTS FOR A FLAT RATE, WITH THE SQUARE FOOTAGE AND LOCATION TO BE DETERMINED BY THE HARBORMASTER OR CITY MANAGER.

There was no further discussion.

VOTE. YES. HOTTMANN, ZIMMERMAN, HARTLEY, HOWARD, ULMER, WEDIN.

Motion carried.

There was no further discussion.

Chair Ulmer encouraged the Commission attend the planned worksession with Council on the Land Allocation Plan.

#### **INFORMATIONAL MATERIALS**

- A. Harbormaster's Monthly Statistical Report for January 2011
- B. Weekly Crane & Ice Report
- C. Deep Water Dock Report
- D. Pioneer Dock Report & Ferry Landings
- E. Water Usage Report
- F. Lease Expirations as of 02/17/11
- G. 2011 Commissioner Attendance at City Council Meetings
- H. Strategic Plan 2011
- I. News article from the Oregonian, February 1, 2011 Derelict Barge's Oil Fouls Columbia River

There were brief comments on the higher number of assists performed and the article on derelict vessels and how well the staff has been dealing with our own derelict vessels.

Deputy City Clerk Krause commented on the status of the lease expirations noting that Bruin Bay is soon to expire and asked if Pier One has submitted anything regarding renewal of their lease. Harbormaster Hawkins noted that they have not received anything from them and will just give them a call. He noted that Bruin Bay will be out soon.

#### **COMMENTS OF THE AUDIENCE**

Mako Haggerty commented on the paid parking at the head of the ramps. He as a vendor has made it a point to keep a supply of parking envelopes on hand to give to visitors. He also noted that more clear instructions on where and what fee is to be paid was required. He also questioned if long term parking permits would be allowed to park in the spaces close to the top of the ramps. Commissioners stated that it would not be allowed. He specified that it has actually worked out well which he did not think it would in the first place. He noted that most of his customers access the available spaces in the paid parking lot and it has actually turned out for the best.

#### **COMMENTS OF THE CITY STAFF**

Harbormaster Hawkins stated that they did not discuss the issue of handicap parking places within the paid parking lots, initially these were set up fee free however, there have been increased abuses so he would like a recommendation or support from the commission to support charging a fee. The Commissioners entertained discussion on charging fees for parking in the designated handicap parking spaces. It was agreed by consensus to support charging a fee to park whether handicap or not. It was noted that there are spaces in each lot for load and go. There is no charge to park, load your vehicle then leave. The Harbormaster related his experience down in Seattle when he had to pay to park driving into the lot, getting out of his vehicle and locking it, crossing a busy street to get his ticket then cross back over the busy street to his vehicle, unlock, hang tag, relock and proceed on his task.

Harbormaster Hawkins read a letter received from Greg and Sandy Christian, residents of Little Tutka Bay regarding parking on the spit.

**COMMENTS OF THE COUNCILMEMBER** *(If one has been assigned)*

None.

**COMMENTS OF THE CHAIR**

Chair Ulmer welcomed Commissioner Howard. She thanked Commissioner Zimmerman for filling in last month in her absence. She noted it was a good meeting, lots covered.

**COMMENTS OF THE COMMISSION**

Commissioner Wedin expressed thanks the staff and Commissioner Zimmerman for attending the Lease Committee meetings so he did not have to.

Commissioner Howard commented great meeting.

Commissioner Hartley is glad that they have solved the parking issues.

Commissioner Zimmerman had no comments.

Commissioner Hottmann commented it was a great meeting and his chair needed some WD40 applied.

The commission thanked Mr. Haggerty for attending the meeting and staying for the duration.

**ADJOURN**

There being no more business to come before the Commission the meeting was adjourned by Vice Chair Zimmerman at 6:55 p.m. The next regular meeting is scheduled for March 23, 2011 at 5:00 p.m. in the City Hall Cowles Council Chambers.

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RENEE KRAUSE, CMC, DEPUTY CITY CLERK I

Approved: \_\_\_\_\_